

46
6 June 1840.—3 VICT.



(Ireland.)

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To remove Doubts with respect to the Qualification of Voters,
and to create a Tribunal of Appeal on Matters of Law
relating to the Registration of Voters in Ireland.

[Note.—The Clause and Words printed in *Italics* are proposed to
be inserted in the Committee.]

WH ~~HEREAS~~ an Act was passed in the third year of the
reign of his late Majesty King WILLIAM the Fourth,
intituled, "An Act to amend the Representation of the People of
Ireland," containing certain provisions for extending the Elective
Franchise, and for the Registration of Voters for the Election of
Members to serve in Parliament for Counties, Cities, Towns and
Boroughs in Ireland :

Proposed.

And whereas doubts and differences have prevailed with respect
to the mode of ascertaining the Qualification of persons entitled to
vote at the Election of such Members :

And whereas it is expedient to remove such doubts, and make
provision for the mode of ascertaining such Qualification, and to
create a Tribunal of Appeal upon matters of law relating to the
Registration of Voters in Ireland ; *It is therefore Enacted*, by The
QUEEN's most Excellent MAJESTY, by and with the Advice and
Consent of the Lords Spiritual and Temporal, and Commons, in this
present Parliament assembled, and by the Authority of the same,
THAT in determining whether any person who shall claim to be
allowed to register as a Voter, has a beneficial interest to the
amount in value required by law to entitle such person to register as
a Voter in respect of any freehold or leasehold premises, the tribunal
determining upon such Claim shall estimate such value according to
the beneficial interest which such premises actually yield, or are
capable

*Beneficial In-
terest, how
to be esti-
mated.*

capable of yielding, to the person so claiming to register, calculating such interest to be the profit or advantage derived or derivable by such claimant out of such premises, after deducting the rent, tithes rent-charge (if payable by such claimant) and expenses, if any, of cultivating the same, and not according to the rent which a solvent tenant could afford to pay for the same, over and above the rent which the person so claiming to register is liable to pay.

2.
Repeal of
certain Pro-
visions of
3 & 3 Will. 4,
c. 104, relating
to Appeal.

And be it Enacted, That so much of the said recited Act, and of an Act passed in the present Session of Parliament, intituled, "An Act to amend the Laws relating to the Registration of Voters in Ireland for the Election of Members to serve in Parliament," as relates to an appeal to a Judge or Judges of Assize, where any order is or shall be made by any Assistant Barrister or Chairman refusing to permit to be registered a person claiming to be registered as a Voter for any County, City, Town or Borough on any other ground than insufficiency of value, shall be henceforth repealed.

3.
Speaker to
appoint the
Judges of the
Court of
Appeal.

And be it Enacted, That the Speaker of the House of Commons shall appoint *Three* Barristers to be Judges of the Court of Appeal hereinafter mentioned, each of whom shall be of not less than *Seven* Years' standing at the Bar.

4.
Tenure of
Office and
supply of
Vacancies.

And be it Enacted, That the Judges of the said Court of Appeal shall hold their several offices until death or resignation, or until displaced by a vote of the House of Commons; and the Speaker shall fill up every vacancy among them by the appointment of a Barrister qualified as aforesaid.

5.
Notification
of Appoint-
ment.

And be it Enacted, That every appointment of a Judge of the Court of Appeal shall be in writing under the hand of the Speaker, and shall be laid on the Table of the House of Commons, and printed with the Votes of the House; and every resignation of the office of Judge of the Court of Appeal shall be communicated to the Speaker, and by him to The House.

6.
Oath of Office.

And be it Enacted, That every Judge of the Court of Appeal, shall, before he shall enter upon the execution of his office, or do any act in virtue thereof, take or make the following Oath or Declaration before the Speaker of the House of Commons; (that is to say)

"I, A.B., do swear [or, declare, as the case may be], that I will faithfully and honestly, according to the best of my skill and judgment, fulfil all the duties of a Judge of the Registration Court of Appeal of Ireland."

And

(3)

And be it Enacted, That there shall be paid to the Chief Judge of the Court of Appeal a Salary after the rate of ^{7.} *Salaries and Expenses.*
by the year, and to each of the other Judges of the Court of Appeal a Salary after the rate of ^{by the year, and also the}
necessary expenses of the Court of Appeal shall be paid by the Lord High Treasurer or the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland for the time being, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

10 And be it Enacted, That no Judge of the Court of Appeal shall hold any other office or place of profit under the Crown, save that of Assistant Barrister, or be capable of sitting or voting in Parliament, or of being elected to serve in Parliament. ^{8.} *Judges of Appeal not to hold Office under the Crown or sit in Parliament.*

And be it Enacted, That it shall be lawful for any person claiming to be entitled or objecting to the right of any other person to be registered as a Voter, and who shall be dissatisfied with any decision of the Assistant Barrister on any point of law affecting such claim or objection, or for any person on behalf of such claimant or objector, to appeal from such decision, and upon application made to him for that purpose in open Court, the Assistant Barrister shall state in writing the facts which, according to his judgment, have been established by the evidence, and which shall be relevant and material to the validity of the claim or objection, and shall also state in writing his decision thereupon, and shall read the statement in open Court, and then and there sign the same ; and the appellant shall make and sign a declaration in writing at the foot of such statement to the following effect ; (that is to say), " I appeal from this decision ;" and the Assistant Barrister shall indorse upon the appeal-paper the name and place of abode of the appellant, and of the party whom he shall direct to be treated as the respondent, and at or before the end of each Session, at which he shall sit for revising or registering voters, shall deliver, or cause to be delivered all such appeal-papers to the proper officer of the Court of Appeal. ^{9.} *Appeal from Assistant Barristers on Points of Law.*

And be it Enacted, That the Judges of the Court of Appeal, or any Two of them, shall hold a Court of Appeal in Dublin, and shall hear and decide in open Court all questions of law which shall be brought by way of appeal as aforesaid from the decisions of the several Assistant Barristers ; and the subjects of such Appeals shall be questions of law only, and not questions of fact ; and if the Court of Appeal shall be of opinion that the facts stated are not sufficient to warrant a judgment in law, it shall be lawful for the Court to remit the case to the Assistant Barrister by whom it is signed, for the purpose of having the facts more fully stated by him. ^{10.} *Judges of Court of Appeal to sit in Dublin.*

11.
Notice of
Appeal to be
given within
Fourteen
days, and
Regulations
of Court to
be complied
with.

And be it Enacted, That no appeal from the decision of any Assistant Barrister shall be entertained, unless application for a case shall be made to him before the rising of the Court, and unless Notice of Appeal shall be given within *Fourteen Days* after such decision to such party as the Assistant Barrister shall direct to be treated as the Respondent, and unless the Appellant shall comply with such regulations touching the conduct of such appeal as shall be from time to time made by order of the Court of Appeal.

12.
Decisions of
Court of
Appeal to be
affixed to
Clerk of the
Peace or
Returning
Officer, and
the Register
to be altered
conformably.

And be it Enacted, That every order or decision of the Court of Appeal, reversing or in anywise altering the decision of the Revising Barrister, so as to have the effect of making any alteration in the Register, shall be forthwith notified by the Court of Appeal to the Clerk of the Peace of the County, City, Town or Borough to the List or Register of Voters of which such decision shall relate, and the Clerk of the Peace shall forthwith alter such List or Register of Voters in such manner and form as the Court of Appeal shall direct by writing subscribed by Two at least of the Judges of the Court of Appeal.

13.
Copies of
Decisions on
Appeal to be
admissible as
Evidence.

And be it Enacted, That a Copy of any order or decision of the said Court of Appeal, such Copy purporting to be signed by Two at least of the Judges of the Court of Appeal, shall be sufficient evidence in all cases, without proof of the signature of any of the said Judges, and shall have the like force and effect as any entry made in any List or Register of Voters under the said recited Act or either of them.

14.
Appeal pend-
ing not to
affect Right
of voting.

And be it Enacted, That no right of voting at any Election of a Member or Members to serve in Parliament shall be affected by any appeal pending in the said Court at the time of the issuing of the Writ for such Election, but it shall be lawful for every person to exercise the right of voting at such Election as effectually, and every vote tendered thereat shall be as good as if no such appeal were pending; and that the subsequent decision of any appeal which shall be pending in the said Court at the time of the issuing of the Writ for any such Election, shall not in any way whatsoever alter or affect the Poll taken at such Election, nor the Return made thereat by the Returning Officer.

15.
Court may
make Rules
for the admi-
nistration of
the Business
of the Court
and of the
Circuits.

And be it Enacted, That it shall be lawful for the said Court to make Rules not inconsistent with the provisions of this Act, for the administration of the business of the said Court of Appeal, and for entering into recognizances to prosecute any appeal, and to abide the judgment and orders of the Court thereon, and from time to time to alter and repeal all or any of such Rules, and to make others in their stead: Provided always, That all the Rules so made or by which any

any previously existing Rules shall be altered or repealed, be approved of by the Speaker of the House of Commons, and be laid before the House of Commons within Ten Days after they shall be made, altered or repealed, if the said House shall then be sitting, or if not, then within Ten Days after the said House shall next re-assemble: Provided also, That it shall not be lawful for the said Court, by any Rule, to exclude the parties to any appeal from being heard by counsel before the said court.

And be it Enacted, That it shall be lawful for the said Court of Appeal to make such order respecting the payment of the costs of any Appeal, or of any part of such costs as to the said Court shall seem meet; and that in all cases in which any such order shall be made, the amount of such costs shall be ascertained by the said Court, and shall be stated in such order; and such order, or a copy thereof, shall be signed respectively by the said Judges of Appeal or any of them, and delivered to the party entitled to receive such costs, and shall have in every county, city, town and borough the force and effect of a civil bill decree; and such warrant shall be made thereon, and such proceedings may be had and taken for the recovery of the amount specified in such order, as upon any civil bill decree made by any Assistant Barrister; and the same may be executed, and the amount thereof may be levied accordingly; and all and every Sheriffs and Sheriff of every county, county of a city and county of a town, are and is hereby empowered and required to do and cause to be done all such acts in relation to such order, until the amount thereof shall be fully paid or satisfied, as such Sheriffs or Sheriff ought or might do under or in pursuance of any civil bill decree of any Assistant Barrister having jurisdiction within their or his bailiwick.

16.
Court of Appeal may give Costs.

And be it Enacted, That in case the person ordered by the Court of Appeal to pay any sum of money by way of fine, shall not forthwith pay the same according to such order, every Justice of the Peace is hereby required, and empowered, by warrant under his hand and seal, upon due proof to him made that a copy of the order of the Court hath been served upon the party thereby ordered to pay the sum of money therein mentioned, and that the said sum of money hath been duly demanded of him, and that he hath refused or neglected to pay the same, to order the said sum of money to be levied by distress and sale of the goods and chattels of the said party, which can be found within the jurisdiction of such Justice, together with the expenses of such levy, the overplus (if any) to be rendered by the person making such levy to the owner of the goods and chattels on request; and no cer-

17.
Fines and Costs to be recovered by Distress and Sale of the party's Goods.

tiorari or other writ or process for the removal of any such order or warrant, or any proceeding thereon, into any of Her Majesty's Courts at Dublin, shall be allowed.

18.
Documents
used under
this Act not
liable to
Stamp Duty.

And be it Enacted, That no order, decree, copy or other document to be made or used as directed by this Act, shall be liable to any stamp duty. 5

19.
Interpreta-
tion Clause.

And be it Enacted, That in the construction of this Act, the words " Clerk of the Peace " shall be construed to include the Town Clerk or other officer or deputy having custody of the affidavits of Registry of Voters for the county, city, town or borough for which such officer shall act ; and the words " Assistant Barrister " shall include the Chairman of the Sessions of the county of Dublin, and his deputy, appointed under the first-recited Act; and the word " County " shall be construed to include any riding or division of a county in which any Assistant Barrister has a separate jurisdiction. 10 15

20.
Act may be
repealed or
amended.

And be it Enacted, That this Act may be repealed or amended by any Act passed in this present Session of Parliament.

Qualification of Voters.

(Ireland)

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B I L L

To remove Doubts with respect to the Qualification of Voters, and to create a Tribunal of Appeal on Matters of Law relating to the Registration of Voters in Ireland.

(Proposed and brought in by
Mr. Solicitor General for Ireland,
Lord Viscount Morpeth, and
Mr. Attorney General.)

Ordered, by The House of Commons, to be Printed
6 June 1860.

370.

Lender 1 oz.